

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ROOSEVELT HARRY
WOODSON, JR.,

Plaintiff,

v.

VANBUREN,

Defendant.

Civil Action No. 7:22cv00204

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Roosevelt Harry Woodson, Jr., proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On December 5, 2022, the defendants filed a motion to dismiss, or in the alternative for motion for summary judgment, and on December 6, 2022, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (*See* ECF Nos. 15–17.) The *Roseboro* notice gave Woodson 21 days to file a response to the motion and advised him that, if he did not respond to the defendant’s motion, the court would “assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant states in their responsive pleading(s).” (*See* ECF No. 17.) The notice further advised Woodson that, if he wished to continue with the case, it was “necessary that [he] respond in an appropriate fashion,” and that if he failed to file a response to the motion within the time allotted, the court “may dismiss the case for failure to prosecute.” (*Id.*)

To date, Woodson has not responded to the motion or the court’s notices and, therefore, the court will dismiss this action without prejudice for failure to prosecute.

The Clerk shall send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 6th day of April, 2023.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE